

**NOT DESIGNATED FOR PUBLICATION**

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F301559

VICTOR HERZOG,  
EMPLOYEE

CLAIMANT

CONAGRA,  
SELF-INSURED EMPLOYER

RESPONDENT

OPINION FILED JUNE 8, 2005

Upon review before the FULL COMMISSION in Little Rock,  
Pulaski County, Arkansas.

Claimant represented by the HONORABLE FREDERICK "RICK"  
SPENCER, Attorney at Law, Mountain Home, Arkansas.

Respondent represented by the HONORABLE BILL H.  
WALMSLEY, Attorney at Law, Batesville, Arkansas.

Decision of Administrative Law Judge: Affirmed and  
Adopted.

OPINION AND ORDER

Claimant appeals an opinion and order of the  
Administrative Law Judge filed June 7, 2004. In said  
order, the Administrative Law Judge made the following  
findings of fact and conclusions of law:

1. Claimant sustained a compensable  
injury on January 29, 2003, which  
rendered him permanently and totally  
disabled.
2. The employee-employer relationship  
existed at all relevant times.
3. The Arkansas Workers' Compensation

Commission does not have the statutory authority to adjudicate Claimant's claim for a functioning heating and air conditioning unit.

4. Claimant has failed to establish by a preponderance of the evidence that Respondent is liable to provide him with a new, handicapped accessible van.

5. Claimant has established by a preponderance of the evidence that his parents should be compensated for nursing services rendered for five and one-half hours per day at the hourly minimum wage rate.

6. Claimant's attorney is not entitled to a controverted attorney's fee because the applicable statute prevents awarding an attorney's fee on the basis of medical benefits or services allowed.

We have carefully conducted a de novo review of the entire record herein and it is our opinion that the Administrative Law Judge's decision is supported by a preponderance of the credible evidence, correctly applies the law, and should be affirmed. Specifically, we find from a preponderance of the evidence that the findings of fact made by the Administrative Law Judge are correct and they are, therefore, adopted by the Full Commission.

Therefore we affirm and adopt the June 7, 2004 decision of the Administrative Law Judge, including all

findings and conclusions therein, as the decision of the Full Commission on appeal.

IT IS SO ORDERED.

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OLAN W. REEVES, Chairman

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KAREN H. MCKINNEY, Commissioner

Commissioner Turner dissents.